

REMARKS

The Examiner has issued a restriction requirement stating that the application claims two distinct inventions. Specifically, the Examiner identifies the two inventions as being:

- I. Claims 1-7, 12-13, drawn to a polypeptide dimer comprising two soluble gp130 molecules.
- II. Claims 8-11, drawn to a nucleic acid encoding a polypeptide dimer comprising two soluble gp130 molecules, a vector, a host cell, and a process for producing the polypeptide.

Pursuant to 37 C.F.R. §1.142, Applicants elect Group I, Claims 1-7 and 12-13 without traverse. Accordingly, claims are withdrawn without prejudice. As Inventions I and II are related as product and process of use, Applicants reserve the right to rejoinder of the non-elected process inventions in the event that the claims directed to the product invention are found allowable.

Applicants also reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application.

Appln. No.: 10/561,874
Restriction Requirement Mailed on October 1, 2007
Response To Restriction Requirement Filed On December 28, 2007


CONCLUSION

Applicant submits that this paper fully addresses the Office Action mailed October 1, 2007. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney at (650) 565-3856. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31304-763.831).

Respectfully submitted,

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